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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,902	02/19/2004	Charles Pfeil	003921.00191	9047
22907 7590 02/26/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER LEVIN, NAUM B	
			ART UNIT	PAPER NUMBER
			2825	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/780,902

Applicant(s)

PFEIL ET AL.

Examiner

Naum B. Levin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,12,13,23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11,14-22 and 25-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 and 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/2,8/29,9/21,12/8/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application 10/780,902, and Response to election/restriction filed on 12/08/2006. Applicant has elected claims 3-11, 14-22 and 25-40 without traverse. Claims 1-2, 12-13 and 23-24 are withdrawn from consideration. Claims 1-40 remain pending in the Application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 3-11, 14-22 and 25-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,708,313. Independent claims 3, 11, 14, 22, 25, 33 and 34 are similar to claims 1, 40, 14 and 27 accordingly; independent claim 39 similar to claims 1 and 10, and independent claim 40 is similar to claims 27 and 36 accordingly in the reference because it recites various scope of invention. Claims 3, 11, 14, 22, 25, 33, 34, 39 and 40 in the application disclose a method/server/program for editing a printed circuit board (PCB) master design during an editing session throughout which each of first and second users may edit a PCB master design and view edits made to the same PCB master design by the other of the first and second users during the editing session, comprising: transmitting at least portion of the PCB master design to the first and

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second users at respective first and second clients for simultaneous graphical display on each of said clients, wherein each of the graphical displays on the first and second clients includes a representation of common PCB artwork corresponding to a region of the PCB master design, the displayed common PCB artwork including a plurality of associated PCB design objects, and each of the first and second clients can simultaneously view the common PCB artwork and edit the associated PCB design objects; receiving, during the editing session, a first edit request from the first client and a second edit request from the second client; applying the first and second edit requests to the PCB master design; and transmitting synchronization data to the first and second clients, the synchronization data permitting update of the graphical displays on the first and second clients during the editing session to reflect the first and second edits.

Claims 1, 10, 14, 27, 36 and 40 in the reference recite similar method/server/program for editing a printed circuit board (PCB) master design during an editing session throughout which each of first and second users may edit a PCB master design and view edits made to the same PCB master design by the other of the first and second users during the editing session that includes all above limitations plus following additional limitations: "upon determining that the third and fourth edit requests conflict, transmitting subsequent synchronization data to the first and second clients to reflect acceptance of the third edit request to the PCB master design portion".

Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skills in the art to use the method/server/program for editing a printed circuit board (PCB) master

design during an editing session throughout which each of first and second users may edit a PCB master design and view edits made to the same PCB master design by the other of the first and second users during the editing session, comprising: transmitting at least portion of the PCB master design to the first and second users at respective first and second clients for simultaneous graphical display on each of said clients, wherein each of the graphical displays on the first and second clients includes a representation of common PCB artwork corresponding to a region of the PCB master design, the displayed common PCB artwork including a plurality of associated PCB design objects, and each of the first and second clients can simultaneously view the common PCB artwork and edit the associated PCB design objects; receiving, during the editing session, a first edit request from the first client and a second edit request from the second client; applying the first and second edit requests to the PCB master design; and transmitting synchronization data to the first and second clients, the synchronization data permitting update of the graphical displays on the first and second clients during the editing session to reflect the first and second edits for implementing it in the method/server/program described in U.S. Patent No. 6,708,313.

For example, it would have been obvious to implement the method/server/program for editing a printed circuit board (PCB) master design during an editing session throughout which each of first and second users may edit a PCB master design and view edits made to the same PCB master design by the other of the first and second users during the editing session, wherein: "upon determining that the third and fourth edit requests conflict, transmitting subsequent synchronization data to the first

and second clients to reflect acceptance of the third edit request to the PCB master design portion".

Dependent claims 4-10, 15-21, 26-31 and 35-38 in the application are similar to claims 2-13, 15-26 and 28-39 in the reference accordingly because they recite various scope of invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naum B. Levin whose telephone number is 571-272-1898. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on 571-272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JULIE SILK
PRIMARY EXAMINER